



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

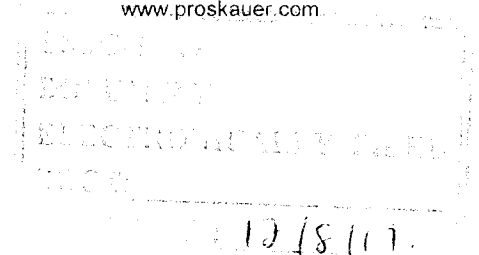
MEMO ENDORSED

December 6, 2017

Via E-File

The Honorable Judge Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square, Room 2203
New York, NY 10007

Lloyd B. Chinn
Member of the Firm
d +1.212.969.3341
f 212.969.2900
lchinn@proskauer.com
www.proskauer.com



Re: McLaughlin vs. Macquarie Capital (U.S.A.) Inc., et al., No. 1:17-cv-09023

Dear Judge Abrams:

We represent defendant Macquarie Capital (USA) Inc. (incorrectly referred to as Macquarie Capital (U.S.A.) Inc.) (hereinafter "Macquarie"), in the above-referenced lawsuit, and write to request that the November 17, 2017 order entered by Judge Victor Marrero temporarily sealing the Complaint in this matter [ECF 3] be extended and expanded. We request that the entire docket be sealed, and that Macquarie be permitted to file under seal its forthcoming Motion to Compel Arbitration and Seal the Record, along with the supporting memorandum of law, and supporting declarations and exhibits. We also request that Plaintiff be permitted to file any response to Macquarie's Motion to Compel Arbitration and Seal the Record under seal. We have conferred with Plaintiff's counsel on this issue, and the parties have agreed to proceed in this manner. The parties' Joint Stipulation and Proposed Order is enclosed.

We thank the Court for its attention to this matter.


Respectfully Submitted,

Lloyd B. Chinn

Enclosure

Cc: Jonathan Sack, Esq.

The Court declines to issue the parties' proposed stipulation. Judicial documents are entitled to a presumption of public access under both the First Amendment and common law. *See Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814 F.3d 132, 141 (2d Cir. 2016). That presumption can only be overcome when the party seeking to file under seal provides specific, on-the-record findings that higher values would be served by the sealing and the sealing request is narrowly tailored. *See id* at 144. Accordingly, absent a substantial showing the Court will not issue a blanket order sealing the entire docket in this matter. The parties may request that individual documents, or parts thereof, be filed under seal. Such requests shall be submitted in accordance with Rules 1A and 5A of the Court's Individual Rules & Practices in Civil Cases. SO ORDERED.



Ronnie Abrams, U.S.D.J.
December 8, 2017